

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ALABAMA, NORTHERN DIVISION

IN RE:	)	
	)	
WILLIAM BARRIER ROBERTS,	)	CASE NO. 18-83442-CRJ11
SSN: XXX-XX-9314	)	CHAPTER 11
	)	
Debtor.	)	
	)	

**EMERGENCY MOTION FOR AUTHORITY TO SELL DEBTOR'S  
THIRTY-THREE AND ONE-THIRD PERCENT  
MEMBERSHIP INTEREST IN RBO, LLC**

COMES NOW William Barrier Roberts ("Debtor"), by and through undersigned counsel, and hereby moves this Court (the "Motion") for an entry of an Order authorizing Debtor to sell his thirty-three and one-third percent (33%) membership interest in RBO, LLC, including all rights, claims and benefits appertaining to the assets of the company, payment streams, and all files, documents, writings and other materials with respect thereto, free and clear of all liens, to Roscoe Roberts. This application is made pursuant to 11 U.S.C. § 363(b) and Bankruptcy Rule 6004. In support hereof, Debtor states as follows:

**INTRODUCTION**

1. On November 16, 2018 (the "Petition Date"), Debtor filed a petition for Chapter 11 bankruptcy commencing the above-captioned bankruptcy case.
2. At the time of the filing of the petition Debtor had a one-third interest in RBO, LLC.
3. RBO, LLC is an Alabama Limited Liability Company in good standing.
4. Debtor has entered into an Assignment of Interest in Limited Liability Company (the "Assignment") to sell his thirty-three and one-third membership interest (the "Property") to Roscoe Roberts for the sum of Sixty Thousand and NO/100 Dollars (\$60,000.00). Debtor believes

the price provided for in the Assignment is reasonable and represents fair value for the Property to be sold in this circumstance.

5. Debtor believes it is in the best interest of the estate and its creditors that the estate sell his interest in the Property to Roscoe Roberts pursuant to the terms of the Assignment attached hereto as Exhibit A.

6. Any person objecting to the validity, proprietary, or legality and/or having any objection of any kind to the sale as described herein shall file a written objection to the sale on or before five (5) business days before the date set for the hearing on this Motion and simultaneously serve copies on the attorney for the Debtor at the address listed in this Motion and the Trustee, in accordance with Fed. R. Bankr. P. 6004(b).

WHEREFORE, Debtor requests that this Court enter an Order Confirming Sale of the Property as set forth above, that Debtor be authorized to take such steps, make such payments, and execute such documents as reasonably necessary to implement and effectuate said sale, and that the Court grant such further relief as may be just and equitable under the circumstances.

Respectfully submitted this the 9<sup>th</sup> of December, 2019.

/s/ Stuart M. Maples

STUART M. MAPLES (ASB-1974-s69s)

MAPLES LAW FIRM, PC  
200 Clinton Avenue West, Suite 1000  
Huntsville, Alabama 35801  
Tel: (256) 489-9779  
Fax: (256) 489-9720  
[smaples@mapleslawfirmPC.com](mailto:smaples@mapleslawfirmPC.com)

### **CERTIFICATE OF SERVICE**

I do hereby certify that on December 9, 2019, a copy of the foregoing document was served on the following by Electronic Case Filing a copy of the same.

Richard Blythe  
Bankruptcy Administrator  
[richard\\_blythe@almba.uscourts.gov](mailto:richard_blythe@almba.uscourts.gov)

All parties requesting notice via CM/ECF

I do hereby certify that on December 9, 2019, a copy of the foregoing document was served on the following by mailing a copy of the same United States Mail, properly addressed and first-class postage prepaid.

Roscoe Roberts  
c/o L. Franklin Corley IV  
SIROTE & PERMUTT, PC  
305 Church Street, Suite 800  
Huntsville, AL 35801

Via U.S. Mail to all creditors on matrix

/s/ Stuart M. Maples  
STUART M. MAPLES

STATE OF ALABAMA     )

COUNTY OF MADISON    )

## ASSIGNMENT OF INTEREST IN LIMITED LIABILITY COMPANY

THIS ASSIGNMENT OF INTEREST IN LIMITED LIABILITY COMPANY (the “Assignment”) is made, entered into and effective as of the 12<sup>th</sup> day of November, 2019, by and between Bill Roberts (the “Assignor”) and Roscoe Roberts (the “Assignee”).

### WITNESSETH:

WHEREAS, the limited liability company, RBO, LLC (the “LLC”), was organized on October 21, 2011; and

WHEREAS, Assignor, Assignee, and Owen Roberts are the current members of the LLC, and

WHEREAS, Assignor currently owns a Thirty-Three and One-Third Percent (33.33%) interest in the LLC; and

WHEREAS, Assignor desires to transfer and convey the Thirty-Three and One-Third Percent (33.33%) interest in the LLC (hereinafter referred to as the “Membership Interest”) to Assignee, and Assignee desires to accept the Membership Interest. Assignee agrees to be bound by all terms and conditions of the Operating Agreement.

1. NOW, THEREFORE, for payment of Sixty Thousand and no/100 dollars (\$60,000.00) and other good and valuable consideration the receipt and sufficiency of which is acknowledged by Assignor and in consideration of the above premises and the mutual covenants of the parties, the Assignor does hereby sell, assign, transfer, and set over unto Assignee all of his rights, title and interest in and to the Membership Interest, free and clear of all claims, liens, charges or encumbrances of any kind. Assignee does hereby accept the transfer of the Membership Interest.

2. This Assignment shall be binding upon and shall inure to the benefit of the successors in interest, assigns and heirs (if applicable) of each of the parties hereto.

3. The Assignor, for himself and his heirs successors and assigns forever, does hereby represent and warrant to the Assignee that the title conveyed hereby to the Membership Interest is good, its transfer is rightful, and the Membership Interest is delivered hereby free from any security interest or other lien or encumbrance.

4. The construction, validity and enforcement of this Assignment shall be determined according to the laws of the State of Alabama.

5. This Assignment may be executed in any number of counterparts, each of which shall be considered to be an original instrument.

# EXHIBIT A

IN WITNESS WHEREOF, the undersigned have executed this Assignment on this the  
day and year first written above.

ASSIGNOR:

\_\_\_\_\_  
Bill Roberts

ASSIGNEE:

\_\_\_\_\_  
Roscoe Roberts

I, Owen Roberts, do consent to the assignment as set forth herein.

\_\_\_\_\_  
Owen Roberts

Label Matrix for local noticing  
1126-8  
Case 18-83442-CRJ11  
NORTHERN DISTRICT OF ALABAMA  
Decatur  
Mon Dec 9 10:41:27 CST 2019  
  
First National Bank of Pulaski  
206 South 1st Street  
Pulaski, TN 38478

Bullet & Barrel, LLC  
612 Eustis Avenue  
Huntsville, AL 35801-4114

Callahan PC  
301 Washington St. Ste 301  
Huntsville, AL 35801-4892

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

SPECIALIZED LOAN SERVICING LLC  
8742 Lucent Blvd, Suite 300  
Highlands Ranch, CO 80129-2386

SmartBank  
c/o Justin B. Little  
REYNOLDS, REYNOLDS & LITTLE, LLC  
Post Office Box 2863  
Tuscaloosa, AL 35403-2863

U. S. Bankruptcy Court  
400 Well Street  
P. O. Box 2775  
Decatur, AL 35602-2775

\*Alabama Department of Revenue  
PO Box 327483  
Montgomery, AL 36132-7483

\*American Express  
PO Box 981535  
El Paso, TX 79998-1535

\*Belk/Synchrony Bank  
PO Box 530940  
Atlanta, GA 30353-0940

\*GMFS LLC c/o SLS  
8742 Lucent Blvd., Ste 300  
Highlands Ranch, CO 80129-2386

\*Home Depot  
PO Box 790328  
Saint Louis, MO 63179-0328

\*Internal Revenue Service  
Centralized Insolvency Operations  
PO Box 7346  
Philadelphia, PA 19101-7346

\*North Alabama Bank  
PO Box 669  
Hazel Green, AL 35750-0669

\*Redstone Federal Credit Union  
220 Wynn Dr.  
Huntsville, AL 35893-0001

716 Harding Way SE  
c/o Kevin C. Gray  
Bradley Arant Boult Cummings LLP  
200 Clinton Avenue W, Suite 900  
Huntsville, AL 35801-4933

American Express National Bank  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

Bullet & Barrel, LLC  
c/o Melanie Murray  
612 Eustis Ave  
Huntsville, AL 35801-4114

Charlotte Schlittler  
c/o Kevin Gray, Esq.  
Bradley Arant Boult Cummings, LLP  
200 Clinton Avenue West, Ste. 900  
Huntsville, Alabama 35801-4933

David R. Beasley  
655 Gallatin Street  
Huntsville, Alabama 35801-4936

Dr. Rhett Blake Murray  
612 Eustice Ave  
Huntsville, AL 35801-4114

First National Bank  
2101 Clinton Avenue, Suite 101  
Huntsville, Alabama 35805-3093

GMFS LLC  
c/o Specialized Loan Servicing LLC  
8742 Lucent Blvd, Suite 300  
Highlands Ranch, Colorado 80129-2386

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101-7346

Jayna P. Lamar  
1901 Sixth Avenue North  
2400 Regions/Harbert Plaza  
Birmingham, AL 35203

Joyce White Vance  
US Attorney General  
1801 4th Ave North  
Birmingham, AL 35203-2101

Loretta Lynch US Attorney General  
US Dept. of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530-0009

Luther Strange  
Alabama Attorney General  
PO Box 300152  
Montgomery, AL 36130-0152

Melanie Murray  
612 Eustis Ave  
Huntsville, AL 35801-4114

North Alabama Bank  
220 Providence Main  
Huntsville, AL 35806-4831

Secretary of the Treasury  
1500 Pennsylvania Ave., NW  
Washington, DC 20220-0001

(p) SMARTBANK  
ATTN LYNN VANDERGRIFT - SPECIAL ASSETS  
6413 LEE HIGHWAY  
SUITE 107  
CHATTANOOGA TN 37421-4860

State of Alabama  
Department of Revenue Legal Division  
PO Box 320001  
Montgomery, AL 36132-0001

Synchrony Bank  
c/o PRA Receivables Management, LLC  
PO Box 41021  
Norfolk VA 23541-1021

U.S. Securities & Exchange Commission  
Reg Director, Branch of Reorganization  
Atlanta Regional Office,  
Suite 900 950 East Paces Ferry Road  
Atlanta, GA 30326-1382

United States Attorney  
Northern District of Alabama  
1801 Fourth Avenue North  
Birmingham, AL 35203-2101

United States Bankruptcy Administrator  
Northern District of Alabama  
1800 Fifth Avenue North  
Birmingham, AL 35203-2111

Walter A. Dodgen  
655 Gallatin Street  
Huntsville, Alabama 35801-4936

Blake Cantrell  
Caldwell Banker of the Valley  
7027 Old Madison Pike Suite 102  
Huntsville, AL 35806-2369

Charlotte Bentley Schlittler  
c/o Kevin Gray  
200 Clinton Ave W  
Suite 900  
Huntsville, AL 35801-4933

David R. Beasley  
655 Gallatin Street  
Huntsville, AL 35801-4936

Jayna Partain Lamar  
Maynard, Cooper & Gale, P.C.  
1901 Sixth Ave North  
Suite 2400  
Birmingham, AL 35203-4604

Melanie Hammer Murray  
612 Eustis Avenue  
Huntsville, AL 35801-4114

Rhett Murray  
612 Eustis Avenue  
Huntsville, AL 35801-4114

Richard M Blythe  
United States Bankruptcy Administrator  
PO Box 3045  
Decatur, AL 35602-3045

Shannan League Roberts  
c/o Kevin Gray  
200 Clinton Ave W  
Suite 900  
Huntsville, AL 35801-4933

Stuart M Maples  
Maples Law Firm  
200 Clinton Ave. West, Ste. 1000  
Huntsville, AL 35801-4919

Stuart M Maples  
Maples Law Firm, PC  
200 Clinton Avenue W.  
Suite 1000  
Huntsville, AL 35801-4919

Walter A Dodgen  
655 Gallatin Street  
Huntsville, AL 35801-4936

William Barrier Roberts  
2115 Big Cove Rd  
Huntsville, AL 35801-1347

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Smart Bank  
PO Box 1910  
Pigeon Forge, TN 37868

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)NORTH ALABAMA BANK

(u)\*Citibank  
PO Box 790046  
MO 63170

(d)PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

End of Label Matrix	
Mailable recipients	50
Bypassed recipients	3
Total	53